

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1, 15, 18 and 21 are currently pending in this application. Claim 1 has been amended.

Claim Rejections - 35 USC § 103

Claims 1, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,957,070 (Voyer) in view of U.S. Patent Application Publication No. 2003/0114179 A1 (Smolyar et al., hereinafter referred to as Smolyar).

Claim 1 recites a method step of assigning a first time slot to a particular wireless transmit/receive unit (WTRU). The Examiner asserts that column 3, lines 38-41 of Voyer disclose this method step. The Applicants strongly disagree and submit that the Examiner is using hindsight of the Applicants' claimed invention to reject the claims, and is adding features that are not taught or suggested by the cited portions of Voyer.

Voyer discloses a method of allocating transmission resources. Column 3, lines 38-41 of Voyer discloses an allocation method of allocating transmission resources to a plurality of communications between a base station and a plurality of mobile terminals. No where in this cited portion of Voyer (column 3, lines 38-41) is the assignment of a first time slot to a particular WTRU mentioned. Voyer discloses allocating transmission resources to communications. Column 3, lines 38-41 of Voyer does not disclose assigning a first time slot to a WTRU, as recited in claim 1.

Furthermore, the Examiner asserts that column 4, lines 29-65 of Voyer discloses "determining and allocating another slot based on a criterion made using a quantity characteristic of the propagation losses between the mobile terminal and

the base station wherein characteristic quality is compared to a threshold." The Applicants submit that this feature is not recited in claim 1. Furthermore, the only mention of a time slot in column 4, lines 29-65 of Voyer is on lines 53-54, 59 and 61. However, the only teaching that Voyer provides is that "the time slot having the highest number of available codes will be allocated to a new communication". There is no teaching in Voyer regarding the assignment of a second time slot to a WTRU that has already been assigned a first time slot.

Claim 1, as amended, further recites method steps of summing weighted signal interference, code usage and channel spread values associated with the particular WTRU to generate a first combined score, determining a slot assignment rank for the particular WTRU by comparing the first combined score to other combined scores associated with other respective WTRUs, and assigning a second time slot to the particular WTRU based on the slot assignment rank.

The Applicants have carefully reviewed page 2, paragraph 0014, lines 1-16; paragraph 0016, line 1 through paragraph 0017, line 17; and paragraph 0023, lines 1-16, which were cited by the Examiner, and could not find any teaching or suggestion of assigning a second time slot to a WTRU that has already been assigned a first time slot based on a slot assignment rank that is determined for the WTRU by comparing a first combined score (generated by summing weighted signal interference, code usage and channel spread values) to other combined scores associated with other respective WTRUs.

Regarding claims 15, 18 and 21, the Applicants submit that the Examiner has ignored the features of these claims and has not even attempted to indicate where each of the recited components of claims 15, 18 and 21 are taught or suggested by the prior art of record.

Applicant: Zeira et al.
Application No.: 10/718,387

Based on the arguments presented above, the withdrawal of the 35 U.S.C. 103(a) rejection of claims 1, 15, 18 and 21 is respectfully requested.

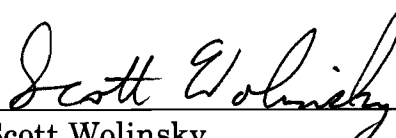
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, the Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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